

Mailed 8/24/2001

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Proposed Policies and
Programs Governing Low-Income
Assistance Programs.

FILED
PUBLIC UTILITIES COMMISSION
AUGUST 23, 2001
SAN FRANCISCO OFFICE
RULEMAKING 01-08-027

ORDER INSTITUTING RULEMAKING

In Rulemaking (R.) 98-07-037, we have been addressing policy and implementation issues related to the administration of public purpose programs, e.g., energy efficiency, low-income assistance, renewable energy and research, development and demonstration, pursuant to Pub. Util. Code §§ 381, 382, 383, 399, 739, and related sections.

We institute today's rulemaking to serve as the forum for our consideration of policy and implementation issues associated with low-income assistance programs, i.e., the California Alternate Rates For Energy (CARE) and Low-Income Energy Efficiency (LIEE) programs. These issues include: monitoring program accomplishments under the rapid deployment approach adopted in Decision (D.) 01-05-033, allocating program funds appropriated by the Legislature among utilities, including the small and multi-jurisdictional utilities under our jurisdiction, and refining policies, program designs and budgets for future program years.

After today, any items we have directed to be filed in R.98-07-037 related to CARE and LIEE, including filings that address the standardization of procedures and policies for these programs, shall instead be filed in this docket.

We will continue to evaluate utility claims for shareholder incentives related to these programs in our Annual Earnings Assessment Proceeding. Our prior determinations concerning the use of the Advice Letter process or other procedural vehicles (e.g., Assigned Commissioner Ruling) will continue to apply unless the Commission or the Assigned Commissioner directs otherwise.

By today's order, we close Application (A.) 00-11-009 et al. and transfer all remaining rapid deployment implementation issues to this Rulemaking. All issues related to low-income assistance programs in R.98-07-037 are also transferred to this Rulemaking. R.98-07-037 will remain open to address other public purpose programs, until further notice.

Service List

The service lists in R.98-07-037 and A.00-11-009 et al. (see Attachment 1) will serve as the temporary service list in this proceeding, to be updated as follows:

- Any individual or organization that wishes to **remain** on the service list in this new Rulemaking must send a **written request** to Administrative Law Judge (ALJ) Meg Gottstein **within 20 days** from the effective date of this order.
- Requests to remain on the service list must state the name of the organization, the individual representing the organization, the "party status" (see Attachment 2) and provide the most recent mailing address, electronic mail address, phone and fax numbers.
- All individuals and organizations that do not respond in writing by the due date will be **deleted** from service list.
- Written requests should be sent to ALJ Meg Gottstein at the California Public Utilities Commission, Room 5044, 505 Van Ness Avenue, San Francisco, California 94102. Requests to remain on the service list may also be sent via e-mail to ALJ Meg Gottstein at meg@cpuc.ca.gov.

The assigned ALJ will issue a ruling with the updated service list as soon as practicable after the receipt of written requests. An updated service list will also be posted on the Commission website at www.cpuc.ca.gov. The assigned ALJ will develop electronic service protocols to reduce party's expenses and resource costs associated with "paper" filings in this proceeding. For this purpose, we encourage all parties to provide an electronic mail address with their written requests, if available.

Preliminary Scoping Memo

Pursuant to Rule 6(c)(2), we preliminarily determine the category of this proceeding to be quasi-legislative, and preliminarily find that evidentiary hearings will not be needed.

In this proceeding, we will continue to develop policies and procedures to implement CARE and LIEE programs, as needed. Pursuant to the ALJ's ruling in A.00-11-009 et al. dated June 25, 2001, we will hold the second status conference on the rapid deployment of low-income assistance programs on August 28, 2001, in Los Angeles, California. That conference will now be docketed in this proceeding. We have also recently received comments on the Phase 3 Standardization Report submitted in R.98-07-037, and will issue a draft decision this fall in this proceeding. During 2002, program planning for the post-rapid deployment period will be initiated in this proceeding by Assigned Commissioner or ALJ's ruling. As in past program planning cycles, the ruling will direct the utilities to file separate applications with their proposed program plans.

Within ten days of the effective date of this order, parties should file and serve comments or objections to the categorization of this proceeding as quasi-

legislative, and preliminary finding that evidentiary hearings will not be needed. These comments or objections should be served on the attached service list.

Ex Parte Rules

Per Rule 7(d) of the Commission's Rules of Practice and Procedure, ex parte communications are allowed without restriction or reporting requirement in any quasi-legislative proceeding. Therefore, there are no such restrictions or reporting requirements applied to this proceeding.

O R D E R

IT IS ORDERED that:

1. A rulemaking is instituted to establish policies, procedures, and program budgets for low-income assistance programs, which consist of the California Alternate Rates For Energy and Low Income Energy Efficiency programs.

2. Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, Southern California Gas Company, Alpine Natural Gas Company, Avista Utilities, Bear Valley Electric Company (operated by Southern California Water Company), Mountain Utilities, Sierra Pacific Power Company, PacifiCorp, Southwest Gas Company, and West Coast Gas Company are respondents.

3. The Executive Director shall cause a copy of this order to be immediately served on all respondents and on the temporary service list contained in Attachment 1.

4. As described in this decision, individuals and organizations that wish to remain on the service list must notify the assigned Administrative Law Judge in writing within 20 days from the effective date of this order.

5. We preliminarily determine that this is a quasi-legislative proceeding and that evidentiary hearings will not be required. Parties shall file and serve comments or objections on the categorization of this proceeding and need for hearings within ten days of the effective date of this decision. These comments or objections shall be served on the service list attached to this order.

6. After today, any items we have directed to be filed in Rulemaking 98-07-037 related to low-income assistance programs shall be filed in this docket.

7. We close Application 00-11-009 et al. and transfer all remaining rapid deployment implementation issues to this Rulemaking.

This order is effective today.

Dated August 23, 2001, at San Francisco, California.

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***** ATTACHMENT 1: SERVICE LIST *****

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(END OF ATTACHMENT 1)

ATTACHMENT 2

APPEARANCES (PARTY STATUS)

Appearances are parties with all attendant rights and obligations. The terms “**Appearances**” and “parties” are used interchangeably in this document.

This category initially includes those who have filed an application, protest, or motion to intervene; to remain in this category, those who have filed one of these documents must file a formal appearance at the first hearing. If you have not filed an application, protest, or motion to intervene, but wish to be an active party, you must attend a prehearing conference or hearing and file an appearance at the direction of the Administrative Law Judge.

Appearances receive exhibits, testimony, and all formally filed documents, including pleadings motions, rulings, proposed decisions, and Commission decisions. Parties are required to serve their pleadings on all other parties (i.e., **Appearances**) and on those in the **State Service** category.

STATE SERVICE (NON-PARTY STATUS)

Those in this category are Commission staff members, divisions, or branches; Legislators or their staff members; and state agencies or their staff members which have indicated in writing to the Process Office that they wish to be included in this category to monitor a proceeding.

Although not required to file an appearance, those in the **State Service** category receive the same documents as **Appearances**, and parties are required to serve their pleadings on all those included in the **State Service** category. However, those included in the **State Service** category may not file pleadings, and they are not parties to the proceeding.

INFORMATION ONLY (NON-PARTY STATUS)

Those in this category will receive all Commission-generated notices of hearing, rulings, proposed decisions, and Commission decisions at no charge. Parties are not required to serve their pleadings on those included in the **Information Only** category. Requests to be added to the **Information Only** category may be made by letter to the Commission’s Process Office.

(END OF ATTACHMENT 2)